


**DEPARTMENT OF HUMAN SERVICES  
SOCIAL SERVICES ADMINISTRATION  
311 WEST SARATOGA STREET  
BALTIMORE, MARYLAND 21201**

**DATE:** December 7, 2017

**POLICY #:** SSA-CW# 18-8  
(This Policy Directive supersedes SSA #14-4 Educational Stability)

**TO:** Directors, Local Departments of Social Services  
Assistant Directors, Local Departments of Social Services, Out-of-Home Placement Supervisors, and Finance Officers

**FROM:** Rebecca Jones Gaston, MSW   
Executive Director  
Social Services Administration

**RE:** Education Stability

**PROGRAM AFFECTED:** Out-of-Home Placement

**ORIGNATION OFFICE:** Child & Family Well-being

**ACTION REQUIRED OF:** All Child Welfare Service Staff

**REQUIRED ACTION:** Compliance with the Policy Directive

**ACTION DUE DATE:** December 10, 2017

**CONTACT PERSON:** Peaches Wilson, Analyst  
Child & Family Well-being  
(410) 767-7663  
[peaches.wilson@maryland.gov](mailto:peaches.wilson@maryland.gov)

Keisha Peterson, Manager  
Child & Family Well-being  
410-767-7144  
[Keisha.peterson1@maryland.gov](mailto:Keisha.peterson1@maryland.gov)

**PURPOSE:**

This Policy Directive establishes guidelines to ensure the educational stability of children who are in an out-of-home placement.

**BACKGROUND:**

**FEDERAL AND STATE LAW IN REFERENCE TO EDUCATION FOR FOSTER CARE CHILDREN**

***Fostering Connections Act***

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires child welfare agencies to develop a plan for ensuring the educational stability of children in foster care, to include collaboration with local education agencies to ensure that a child entering foster care remains in the school of origin if it is in the child's best interest. If it is in the best interest of the child to transfer from the school of origin, the child must be immediately enrolled in a local school serving the out-of-home placement, even if the required documentation is not readily available.

***Every Student Succeeds Act of 2015***

Every Student Succeeds Act, 20 U.S.C. §§ 6301, *et seq.* (ESSA) amended Title I, Part A Elementary and Secondary Education Act (ESEA) - No Child Left Behind Act of 2002. ESSA promotes stability and success for students in foster care by allowing them to remain in their schools of origin if in their best interests. Under ESSA, the local DSS is responsible for determining whether it is in the best interests of a child in an out-of-home placement to remain in a school of origin or to transfer to the school serving the geographic area where the out-of-home placement is located. In making this determination, a local DSS is directed to collaborate with the local education agency (LEA). In addition, ESSA requires that the LEA collaborate with the local DSS to develop and implement clear written transportation procedures that include logistics and funding. Further, ESSA requires that all children in out-of-home placements (children in foster care, kinship care, group care, or residential treatment care over whom the local DSS has custody or guardianship) are treated in the same way with respect to school stability by removing the phrase "awaiting foster care placement" from the definition of "homeless children and youths" in the McKinney-Vento Act of 1987.

***Child & Family Services Improvement and Innovation Act***

Pursuant to the Child and Family Services Improvement and Innovation Act (Pub. L. 112-34), Title IV-B/IV-E agencies, such as DHS, must meet the educational stability case plan requirement at the time of each placement change and not just at the initial placement into foster care.

***Maryland State Regulations***

Under Maryland regulation, COMAR 07.02.11.12, the local DSS must ensure school stability for children who are placed in the custody of, committed to, or otherwise placed by the local DSS in out-of-home placement by determining if it is in the best interests of the child to continue to attend the school the child last attended prior to the most recent change in placement.

**ACTION:**

- To clarify the responsibilities of the local DSS and local education agency (LEA) with regard to school enrollment of children in out-of-home placement.
- To ensure that children in out-of-home placement who continue to attend their schools of origin in accordance with their best interests have appropriate transportation plans.
- To ensure that the local DSS is adhering to the case plan requirements at the time of each placement change and at the time of initial placement of a child into out-of-home placement.
- To ensure that best interests determinations are made within five (5) business days of every new or initial placement.
- To ensure proper documentation of a child's educational information and progress in the statewide automated child welfare information system, currently known as MD CHESSIE.

**RESPONSIBILITIES OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES**

In accordance with ESSA, the local DSS have collaborated with the local education agencies (LEA) to formulate written memoranda of understanding/agreement (MOA) regarding basic procedures regarding the implementation of the requirements of ESSA. Each MOA outlines roles and responsibilities of the parties. The local DSS, as the primary decision maker with respect to the child's best interests determination for school enrollment purposes, but in consultation with the LEA must assess whether it is in a child's best interests to remain in the school of origin or be transferred to the school serving the child's out-of-home placement. If the child's placement or change of placement is unanticipated or changes emergently, a best interests determination shall be made as soon as possible, but no later than five (5) business days after the change in placement.

This best interests determination can be made during the Family Involvement Meeting (FIM) resulting from the change in placement or another such meeting, and participation may occur through in-person meetings, phone calls, emails, or other electronic means.

COMAR 07.02.11.12B, the DHS regulation that addresses school stability for students in out-of-home placement, states that:

- The local DSS is responsible for immediately notifying the Foster Care Liaisons of the LEAs at both the school of origin and the school serving the out-of-home placement when a child has entered out-of-home placement and at each subsequent change of placement.
- The local DSS shall determine whether it is in the child's best interests to continue to attend the school last attended prior to the most recent change in placement within five (5) business days of that change in placement. This determination should be documented in the child's official child welfare records and education records at the school.
- The caseworker and/or supervisor must complete the **Best Interests Determination Form, School Enrollment of Student in Out-of-Home Placement**, (Appendix 1) and provide a copy to the child's school, parent, parent surrogate, legal guardian, and child's attorney.
- The child will continue to be enrolled and maintain attendance in the school of origin while the local DSS completes the best interests determination, and the local DSS will provide

transportation for the child to the school of origin as it completes the best interests determination.

In addition to using the above factors, where it may be applicable to the child, and if it is proposed that a child enrolled in a nonpublic school setting (i.e. Type I, II, or III), the local DSS shall also consider the following:

- a. The number of instructional hours offered by the nonpublic education program, compared to the number of instructional hours offered by the school of origin or local zoned school, and whether the hours offered by the nonpublic education program are sufficient to meet the child's academic, emotional, and other special needs.
- b. Whether the nonpublic education program offers the same courses and programs as the child's school of origin or local zoned school.
- c. Whether enrollment in a nonpublic school program precludes a student from continuing in a particular program when the student returns to public school.
- d. Whether the child is likely to remain on track for grade promotion or graduation if enrolled in a nonpublic school program.
- e. Whether and to what extent the inability of the nonpublic school to award credits affects child's ability to earn full academic credit for the school year in the classes that the child would otherwise take in a public school setting.
- f. Whether the nonpublic school program groups children in appropriate age cohorts and provides a sufficient number of instructional hours.
- g. Whether the nonpublic program, as determined by the child's IEP team, can provide a free appropriate public education, needed special education, and supplementary aids and services with certified special education teachers and also provide related services and programmatic modifications, specially designed instruction supports, and transition planning as detailed in the child's IEP.
- h. Whether the child would be able to continue participating in extracurricular activities offered in the school of origin or local zoned school where the child resides.

If the local DSS believes that the child may have special needs, it should notify the school and request an evaluation, if no prior evaluation has been completed or provided to the caseworker.

## **COMPLETING THE BEST INTERESTS DETERMINATION FORM**

The case worker and/or supervisor is to complete the **Best Interests Determination Form, School Enrollment of Student in Out-of-Home Placement (Best Interest Determination Form)**, (Appendix 1) its entirety as discussed below.

The Best Interests Determination Form is designed to focus discussion and ensure that all important factors that are especially relevant to a particular child are discussed, evaluated, and checked off on the Best Interests Determination Form, providing a record that these factors informed the best interests determination for the child. In some circumstances one factor may be dispositive of the determination, and in other circumstances, all factors must be considered together.

When making a best interests determination, the local DSS must seek input from the LEA where the child's school of origin is located, through the LEA Foster Care Liaison or other school of origin representative such as a school counselor, classroom teacher, school social worker, school

psychologist, pupil personnel worker, special education coordinator, coach, or other representative from an extracurricular activity in which the student is involved.

Additionally, the local DSS must seek input from the following individuals unless doing so would create an undue delay in placement:

- a. Child's Attorney;
- b. Parent;
- c. Parent Surrogate;
- d. Legal Guardian;
- e. Child (where developmentally appropriate); and
- f. Other individuals who can contribute information relevant to the best interests determination of the child.

When assessing the child's best interests with respect to school enrollment, the local DSS shall consider the following factors, as directed by COMAR 07.02.11.12B:

- a. The child's age;
- b. The school which the child's siblings attend;
- c. The child's experience at the school the child last attended;
- d. The child's academic needs;
- e. The child's emotional needs;
- f. Any other special needs of the child;
- g. Continuity of instructions;
- h. Length of expected stay at current placement;
- i. Likely location of the child's future permanent placement;
- j. Time remaining in the school year;
- k. Distance and time of the commute (if the commute were to take place via car provided by the local DSS through private car, foster parent, or caseworker, etc.) and the impact it may have on the child's education; and
- l. The safety of the child.

The cost of transportation to the school of origin is not a factor to be considered in determining the best interests of the child for school selection.

All parties who were consulted on the decision are to be listed with their contact information. The form and any relevant school attachments considered in the meeting should be scanned and uploaded into the child's file cabinet in MD CHESSIE.

Upon completion of the best interests determination, the local DSS must immediately notify **both** the LEA of the school of origin and the LEA of the potential receiving school by providing a copy of the child's completed Best Interests Determination Form to the LEA Foster Care Liaisons or other LEA designee.

• **IT IS IN THE CHILD'S BEST INTERESTS TO TRANSFER SCHOOLS**

If the local DSS determines that it is not in the child's best interests to remain in the school of origin, the child should be enrolled immediately in the school serving the out-of-home placement. A child whose placement changes or who is entering out-of-home placement for the first time is entitled to immediate enrollment in the school serving the child's out-of-home placement under COMAR

13A.08.07.06. This means that anyone authorized to enroll a child under 13A.08.07.03-1 (a parent, placement agency caseworker, a foster parent, a formal kinship care provider, a parent surrogate, an education guardian, a residential child care program representative, the student, if the student is 18 years old or older, a court-appointed special advocate, or a court-appointed attorney) may enroll the child in accordance with the child's best interests in the school serving the child's out-of-home placement with the following documents:

1. Documentation that the child is in foster care, including:
  - (a) The parts of the most recent court order establishing legal custody or a letter on local DSS letterhead stating that the child is in foster care; and
  - (b) A written statement of the address of the student's out-of-home placement. The written statement need not be in the form of a lease, utility bills, etc., and may be contained on a letter on local DSS letterhead.
2. Identification of the person who is authorized to enroll the student, including:
  - (a) Documentation that identifies the person as a local DSS caseworker, or someone else authorized to enroll a child under COMAR 13A.08.07.03-1; and
  - (b) Photo identification.

It is ultimately the responsibility of the local DSS to ensure enrollment occurs. The local DSS must promptly present any additional required documentation after the child is enrolled in school. The receiving school is responsible for ensuring that the child's education records are provided from the school of origin.

- **IT IS IN THE CHILD'S BEST INTERESTS TO REMAIN AT THE SCHOOL OF ORIGIN**

If it has been determined that the child will remain in the school of origin, the local DSS shall reimburse the LEA for additional transportation costs associated with transportation to a child's school of origin unless the local DSS assumes the responsibility for transporting the child.

COMAR 13A.08.07.6H, the Maryland State Department of Education (MSDE) regulation regarding school stability for children in out-of-home placement, directs that the LEA of the receiving school is to provide transportation for the child to the school of origin unless the local DSS determines that it will do so or until the local DSS has determined it is no longer in the child's best interests to attend the school of origin.

Under the MOAs created among the local DSS and LEA, by providing to the LEA serving the out-of-home placement the child's completed Best Interests Determination Form noting that the it is the child's best interests to continue to attend the school of origin, the LEA is on notice that it needs to provide transportation for the child from the out-of-home placement to the school of origin, which may be in a different LEA. The LEA has two (2) school days to begin mapping out a transportation plan for a child and the Foster Care Liaison should be working in consultation with the caseworker to

discuss possible resources that may exist for such transportation (e.g. a foster parent or case worker who can drive a child for reimbursement through mileage, etc.).

## TRANSPORTATION PLANS

- In accordance with the applicable MOA, the LEA will develop and document the child's transportation plan by using the **Transportation Plan Form, Attending School of Origin from Out-of-Home Placement (Transportation Plan Form)** (Appendix 2). Once completed, the Foster Care Liaison will provide the Transportation Plan Form to the local DSS. This form is to be verified by the local DSS, signed by the supervisor and a copy is then placed in the child's file cabinet in MD CHESSIE. Should the local DSS determine that the transportation plan suggested and developed by the LEA is not appropriate for that child; the local DSS will assume responsibility of transporting the child to their school of origin and transport the child to the school of origin in an appropriate fashion, including the use of privately-hired cars, reimbursed caseworkers, etc.
- In developing a child's transportation plan, the LEA, in accordance with the applicable MOA, will explore all available transportation resources to ensure that the most appropriate plan is developed for the child.
- The LEA will implement the child's transportation plan within five (5) school days of being notified of the best interests decision. It should be noted that during this timeframe, the local DSS must continue to provide transportation for the child.
- The local DSS is responsible for the additional costs associated with transportation of the child. Additional costs mean all costs beyond what the LEA of the receiving school would spend to transport the child to the school the child would otherwise attend had the child not remained at the school of origin. Before requesting additional costs from the local DSS, an LEA will look to funding the child's transportation through other programs providing transportation, such as IDEA through the child's IEP or 504 Plan.
- The Transportation Plan Form is not to be completed during the best interests determination meeting.

An LEA transporting a child will provide invoices to the local DSS for the additional costs of that transportation. The invoice must include the name of the child, timeframe of the services, and the cost. Charges are to be completed in MD CHESSIE for each child under the service log. It is at the discretion of each local DSS, as to who shall complete payments in MD CHESSIE under the service log.

- **If the child is IV-E eligible and reimbursable**, transportation costs to and from the school of origin are IV-E allowable expenses as outlined in the child's education stability case plan.
- That additional transportation cost for students, will be charged in MD CHESSIE using either code 2114 **for IV-E eligible children** or 7114 **for non IV-E eligible children** under the service Education/Education Transportation Cost.

- If the IV-E eligible child is in a non-reimbursable placement, education transportation costs should be charged to non-IV-E code 7114.

## **OBTAINING EDUCATION RECORDS AND INFORMATION FROM THE LOCAL SCHOOL SYSTEM**

To properly make a best interests determination and to ensure that such a determination remains appropriate, caseworkers should have access to relevant school records. Documentation of a child's educational information and progress should also be maintained in MD CHESSIE.

Pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. § 6301, *et seq.* as modified by the Uninterrupted Scholars Act (Pub. Law 112-278), agency caseworkers or other representatives of a state or local child welfare agency, or tribal organization who are authorized to access the child's case plan can access the child's education records without having to obtain parental consent or a court order.

This exception under the Family Educational Rights and Privacy Act (FERPA) applies to children for whom a public child welfare agency has legal responsibility for their care and protection, specifically those in out-of-home placement. This exception under FERPA includes children placed under a voluntary placement agreement, and youth co-committed to the Maryland Department of Juvenile Services.

Individuals who can obtain education records under this exception, specifically those who have the right to access the child's case plan, include the following:

- The child's case worker from the local DSS;
- The child's caseworker from a private children and youth agency with whom the Social Services Administration contracts;
- The supervisors or managers of the local department of social services;
- In the case of a co-committed child, the caseworker from the co-committing agency; and
- Other administrators with access to the case plan in accordance with State law for the purpose of care of individual children.

To obtain a child's education record, proof that the local DSS is responsible for the care of the child must be provided. This proof can be in the form of a court order or written notification on agency letterhead indicating that the agency has legal custody or is otherwise legally responsible for the care and custody of the child. The records obtained may not be re-disclosed to any other person or entity unless those individuals or entities are engaged in addressing the student's educational needs and authorized by the local DSS to receive such disclosures.

## DOCUMENTATION OF CHILD'S EDUCATIONAL INFORMATION AND PROGRESS IN MD CHESSIE

Pursuant to Title IV-E of the Social Security Act, child welfare agencies are required to maintain education records in each child's case plan file. MD CHESSIE contains the official record for each child that is in an out-of-home placement. There are two areas in MD CHESSIE where the child's education record should be maintained and completed by the caseworker: Education tabs I-III in CASE Plan-2; and the Education Folder.

### CASEPLAN-2

In accordance with SSA Policy Directive #10-21, Case plan Documentation Clarification, Case plan 2 section 5, is dedicated to the child's education. The case plan is intended to serve as a review of what has transpired in the life of the case since the last case plan was completed. All narrative fields must be completed, summarizing the child's progress since the last case plan. The education folder must be completed first in order for the education information to populate to the case plan.

Below is an example of a completed education tabs on the case plan 2.

...she has joined a debate club which is helping her to develop better educational skills.

If the child is pre-school age and developmentally delayed, is the child enrolled in a special program? ☐ Yes ☒ No

Explain: [Edit](#)

Is there a copy of the child's current report card in the record? Yes

Explain: [Edit](#)

Kristin's last report card from the 4th term of 2012 was scanned into the file cabinet and shows a marked improvement in the areas of science, world history. She is still struggling with algebra and math, however she excels at reading and writing

Service Cases > Dresser, Bridget (H20000921) > Planning > Out-of-Home Case Plan > Case Plan 2 > 08/20/2012 > General

Supportive Services | Education I | **Education II** | Education III | Legal Info | Health Passport

IEP Information  
Individual Education Plan:  IEP Date:   
Date Requested:  Date Scheduled:   
Educational Parent Surrogate Requested: ☒ Yes ☐ No Educational Parent Surrogate Name:   
Indicate School Adjustment/Performance in Social/Emotional Matters  
At or Near Age Level: ☒ Yes ☐ No  
Problems with Peers: ☒ Yes ☐ No Behavioral Problems: ☒ Yes ☐ No

Comments: [Edit](#)

Kristin has experienced issues bonding with others at the school and has a ste-up when she broke up with a boy she was seeing at school who had problems dealing with her difficulties after her abuse. She is striving to rectify this and has joined a debate club at the behest of her counselor, Miss Gilbert, in the hopes that she can form more attachments and begin to trust others and lead to friendships in her remaining time at Middlevale.

Describe the Child's Strengths and Needs: [Edit](#)

Kristin excels at reading and writing and has received an A in both areas and wrote a research paper on bullying that was chosen as a top paper at the school. Kristin is still working with a tutor at Middlevale regarding math as she knows this will be a key component in taking the SAT.

Child's Extra Curricular Activities: [Edit](#)

Kristin is currently involved in a debate club and is a star goalie on the soccer team at Middlevale. She is very happy with both of these activities.

Service Cases > Dresser, Bridget (#20000521) > Planning > Out-of-Home Case Plan > Case Plan 2 > 09/20/2012 > General

Supportive Services | Education I | Education II | **Education III** | Legal Info | Health Passport

Program Type	School Name	Entry Date	Exit Date
High School	Middletown High School	9/12/2011	4/24/2012

Program Type: High School

Description of Progress/Barriers:

Kristin is progressing well and looking forward to her final year and has set a goal to take the SAT at the end of the year. I feel that this is good, but have imparted to her that she needs to feel ready for such a set and not to set too many goals, looking towards GED and more independence as well as studying for the SAT and have suggested she might remain with Joan Black awhile longer as she prepares for the SAT. Joan has agreed to this wholeheartedly and Kristin is working with a tutor several times a week to improve her math, algebra and geometry scores.

Edit

## EDUCATION FOLDER

Educational information and progress **must** be documented for children in out-of-home placement. The education folder should be completed in its entirety with the most recent and accurate educational information on the child at the time of initial removal, if and when the child changes schools, and at the commencement of each new school year. Each education entry must have a **start** and **exit date**, with the exit reason. The education folder is to be completed even if the child is considered “not attending”, (for example: AWOL or incarcerated youth) with the school where the child is to be enrolled or the last school attended, until the child exits foster care. **The use of “not in school, employed” or any such form of entry is prohibited.** The Best Interests Determination Form should be scanned into the child’s file cabinet labeled with the date of decision. Information that is required in the education folder should be updated as follows:

- A. Changes in school placement (i.e. transfers, promotions, graduations),
- B. Change in grade level,
- C. Best interest determination decisions and where the original document can be located,
- D. Quarterly to document academic performance, (1st, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> quarter),
- E. Changes in child’s behavior (i.e. disciplinary actions, progress reports),
- F. Updates to IEP (Individual Education Program) or 504 Plans, and
- G. Changes in child’s academic needs.

Below is an example of a completed Education Folder in MD CHESIE.

Investigations > Dresser, Bridget (H20001520) > Clients > Dresser, Kristin (H20003603) > Employment/Education

Employment Education Military Day Care

School Name	Current Grade	Entry Date	Exit Date	Exit Reason
Middlevale High School	Grade 12	9/3/2011		Currently Enrolled

Education Details

School Name: Middlevale High School School Entry Date: 09/03/2011

Contact Name: Miss Elena Gilbert School Setting: Public

Address: 234 N. West Brooks S. Baltimore, MD 21204 Contact Info: Work: ( ) - Ext: ( ) - Fax: ( ) -

Mode of Educational Transportation: School Bus School Adjustment: Adjusting fine

School Schedule: M-F 830-300

Education: Type of Class: High School Grade Last Completed: Grade 11

Education

Type of Class: High School Grade Last Completed: Grade 11

Current Grade Level: Grade 12 Special Education Least Restrictive Environment Codes:

Functioning Grade Level: Grade 12 Special Education Needs:

Date Last Attended: 04/03/2012

Educational Performance

1st Quarter: Excellent

2nd Quarter: Excellent

3rd Quarter: Fair

4th Quarter:

School Exit Reason: Currently Enrol

School Exit Date: 00/00/0000

Date of Last IEP: 04/03/2012 Exit Comments:

Investigations > Dresser, Bridget (H20001520) > Clients > Dresser, Kristin (H20003603) > Employment/Education

Employment Education Military Day Care

School Name	Current Grade	Entry Date	Exit Date	Exit Reason
Middlevale High School	Grade 12	9/3/2011		Currently Enrolled

Education Details

3rd Quarter: Fair School Exit Reason: Currently Enrol

4th Quarter:  School Exit Date: 00/00/0000

Date of Last IEP: 04/03/2012 Exit Comments:

Date of Withdrawal: 00/00/0000

Strengths: Reading Weaknesses: Math

Education Program:

Provide details of the Home and Hospital Educational Services including when established, duration and frequency:  Education Program Goal:

<b>Education Details</b>	
Date of Last IEP: 04/03/2012	EAR COMMENTS:
Date of Withdrawal: 00/00/0000	
<b>Strengths:</b> Reading	<b>Weaknesses:</b> Math
Education Program: Home and Hospital	
Provide details of the Home and Hospital Educational Services including when established, duration and frequency:	
Kristin was hospitalized for a time and continued her education there	Education Program Goal:

<b>Education Details</b>	
Date of Last IEP: 04/03/2012	EAR COMMENTS:
Date of Withdrawal: 00/00/0000	
<b>Strengths:</b> Reading	<b>Weaknesses:</b> Math
Education Program: Home and Hospital	
Provide details of the Home and Hospital Educational Services including when established, duration and frequency:	
Kristin was hospitalized for a time and continued her education there	Education Program Goal:

<b>Education Details</b>	
<u>*If yes, respond to the following:</u> <b>This is a pre-existing record prior to June 2012</b>	
1. Completing secondary education or a program leading to an equivalent credential. <input type="checkbox"/>	
2. Enrolled in an institution that provides post-secondary or vocational education. <input type="checkbox"/>	
3. Participating in a program or activity designed to promote or remove barriers to employment. <input type="checkbox"/>	
4. Employed for at least 80 hours per month. <input type="checkbox"/>	
5. Incapable of doing any of the activities in (1)-(4) due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child. <input checked="" type="checkbox"/>	
Disability Notes:	
Kristin suffers from Generalized Anxiety Disorder which precludes her from working	
Has the child changed schools due to placement? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Explain why it was in the child's best interests to change schools:	
Kristin is now in a different school due to her placement with Joan Black in Forter Care and the de termination was made it is in the best interest of Kristin to attend this new school as she was struggling more at her previous school, including incidents of bullying. Whereas Kristin has some issues with peers, she is adjusting better to this new school environment	

## BEST INTERESTS DETERMINATION FORM

### SCHOOL ENROLLMENT OF STUDENT IN OUT-OF-HOME PLACEMENT

*A copy of this document shall be kept in the student's education record and uploaded to the statewide automated child welfare information system.*

Student's Name: \_\_\_\_\_

State Assigned Student Identifier (SASID): \_\_\_\_\_ DOB: \_\_\_\_\_

Current School: \_\_\_\_\_ Grade: \_\_\_\_\_

Previous School(s): \_\_\_\_\_

Date of Best Interests Determination Meeting: \_\_\_\_\_

#### Best Interests Determination: A Checklist for Decision Making

##### Remaining in the School of Origin Considerations

- ☐ **Social/emotional considerations** – *the student's social and emotional wellbeing will be negatively affected if transferred to a new school (considerations include age of the student, location of siblings, etc.)*
- ☐ **Length of anticipated stay in an out-of-home placement location** – *in light of the anticipated short duration of the stay, the student would benefit from the continuity offered by remaining at the school of origin where meaningful relationships exist.*
- ☐ **Continuity of instruction** – *the student has experienced frequent school changes or has attended the school of origin for an extended period of time, and would be best served by remaining at the school of origin (considerations include credits necessary for graduation and preparation for future instruction).*
- ☐ **Academic performance** – *the transfer will significantly and adversely affect the student's academic performance.*
- ☐ **Unique educational needs or academic and extracurricular interests** – *the student's special educational needs (IEP or 504 Plan) or unique academic and extracurricular interests cannot be met at the potential receiving school.*
- ☐ **Safety of the student** – *the school of origin is a safe environment for the student.*
- ☐ **Transportation considerations** – *the advantages of remaining in the school of origin outweigh any potential disadvantages presented by the length of the commute.*

##### Transferring to a New School Considerations

- ☐ **Social/emotional considerations** – *the student's social and emotional wellbeing will be positively affected or will not be substantially affected if transferred to the potential receiving school (considerations include age of the student, location of siblings, etc.)*
- ☐ **Length of anticipated stay in an out-of-home placement location** – *the student's current living situation appears to be stable and unlikely to change suddenly, so the student will benefit from establishing new relationships with school peers in the potential receiving school.*
- ☐ **Continuity of instruction** – *the student has not attended the school of origin for very long and will be best served at the potential receiving school (considerations include credits necessary for graduation and preparation for future instruction).*
- ☐ **Academic performance** – *the transfer will not significantly and adversely affect the student's academic performance.*
- ☐ **Unique educational needs or academic and extracurricular interests** – *the student's special educational needs (IEP or 504 Plan) or unique academic and extracurricular interests can be met at the potential receiving school.*
- ☐ **Safety of the student** – *the new school will be a safer environment for the student.*
- ☐ **Transportation considerations** – *the length of the commute to the school of origin is excessive and may adversely affect the student's concentration, attitude, or readiness for school.*

**Attach all documents relevant to the student's best interests determination. Check any that apply.**

- |   |   |
|---|---|
| <input type="checkbox"/> Report Cards/Progress Reports<br><input type="checkbox"/> Achievement Data (test scores)<br><input type="checkbox"/> Attendance Data | <input type="checkbox"/> IEP Plan or 504 Plan<br><input type="checkbox"/> Correspondence from individuals consulted.<br><input type="checkbox"/> Other: _____ |
|---|---|

**Best Interests Determination Meeting Participants**

*In reaching the best interests determination, the CWA should make all reasonable efforts to include or consult individuals with knowledge of the student (student's attorney, parent, parent surrogate, and legal guardian) in addition to representatives of the LEA and any other person with information relevant to the best interests determination, including the student, if appropriate. The following individuals provided input in determining the school placement.*

Relationship to Student	Name	Contact Information

**Best Interests Determination**

- ☐ It is not in the student's best interests to remain enrolled in the school of origin. The student will be enrolled in the school serving the current residence.

Name of School: \_\_\_\_\_

**NOTE:** If a change in enrollment is in the student's best interests, enrollment should take place immediately at the new school. To enroll the student in the new school, all that is needed is documentation showing that the student is in out-of-home placement, the address of the out-of-placement, proof of authorization to enroll the student in school, and identification of the person enrolling the student. All other educational records will be provided to the new school promptly and in accordance with state and federal law.

- ☐ It is in the student's best interests to remain enrolled in the school of origin.

Name of School: \_\_\_\_\_

**Interim Transportation Plan**

*Complete only if the student will remain in the school of origin.*

While the LEA works to develop and establish a Transportation Plan for the student to attend the school of origin from the out-of-home placement, a period of time that could be up to five (5) school days, the student will be transported to the school of origin in the following manner:

\_\_\_\_\_

**Considerations for the LEA in Establishing a Transportation Plan for the Student**

*Complete only if the student will remain in the school of origin.*

In developing a Transportation Plan, the LEA should consider the following needs of the student:

\_\_\_\_\_

Case Worker Name

Case Worker Signature

Date

**TRANSPORTATION PLAN FORM****ATTENDING SCHOOL OF ORIGIN FROM OUT-OF-HOME PLACEMENT**

*Once completed, a copy of this document shall be kept in the student's education record and uploaded to the statewide automated child welfare information system.*

Student Name: \_\_\_\_\_

Student DOB: \_\_\_\_\_ Student School ID No.: \_\_\_\_\_ Current Grade: \_\_\_\_\_

Local Department of Social Services (CWA): \_\_\_\_\_

The LEA is responsible for implementing the Transportation Plan that will be in place within five (5) school days of the LEA learning of the student's Best Interests Determination. In the interim, the CWA is responsible for implementing the student's interim transportation plan.

**The LEA verifies that:**

1. The following efforts were taken to identify a no-cost or low-cost transportation service from the student's out-of-home placement to the school of origin (i.e., transportation provided by foster resource; use of existing bus routes, other public transportation) (check all that apply):
  - ☐ Exploration of existing school bus routes and public transportation to determine if feasible to add a stop or make some other low/no-cost request.
  - ☐ Discussion with CWA regarding whether a foster parent or custodian can assist in transporting student and receive reimbursement from CWA for mileage.
  - ☐ Other: \_\_\_\_\_
2. After reviewing possible low-cost and no-cost transportation options for the student, the LEA has determined (check the applicable option):
  - ☐ No existing transportation option can be reasonably modified to maintain the student in the school of origin from the new living placement.
  - ☐ An existing transportation option can be reasonably modified to maintain the student in the school of origin from the new living placement. The modification consists of: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  - ☐ An existing transportation option that can maintain the student in the school of origin from the new living placement exists. The existing option is: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**STUDENT'S TRANSPORTATION PLAN**

1. The most cost effective, appropriate transportation option for maintaining the student in the school of origin is: \_\_\_\_\_
2. Additional costs for this transportation will be covered according to previously agreed upon procedures set by the LEA and CWA in the Educational Stability Memorandum of Agreement.
3. These transportation procedures will be implemented on \_\_\_\_\_, within five (5) school days of the LEA learning of the Best Interests Determination. (date)

LEA Authorization (signature) \_\_\_\_\_ (printed name) \_\_\_\_\_ (title) \_\_\_\_\_ (date) \_\_\_\_\_

CWA Authorization (signature) \_\_\_\_\_ (printed name) \_\_\_\_\_ (title) \_\_\_\_\_ (date) \_\_\_\_\_

**Transportation Coordinators/Supervisors' Contact Information**

<b>County</b>	<b>Supervisor's Name</b>	<b>Office Phone</b>	<b>Fax No.</b>	<b>E-Mail Address</b>
Allegany	Larry Humbertson	301-729-3773	301-729-3753	<a href="mailto:larry.humbertson@acps.k12.md.us">larry.humbertson@acps.k12.md.us</a>
Anne Arundel	Chris Carter	410-222-2925	410-268-2174	<a href="mailto:CBCarter1@AACPS.org">CBCarter1@AACPS.org</a>
Baltimore City	Michael Dodson	410-396-8754/ 443-642-2462	410-545-0975	<a href="mailto:MADodson@bcps.k12.md.us">MADodson@bcps.k12.md.us</a>
Baltimore	Jim Mitcherling	410-887-4111	410-887-7830	<a href="mailto:jmitcherling@bcps.org">jmitcherling@bcps.org</a>
Calvert	Ed Cassidy	410-535-7225	410-535-7424	<a href="mailto:cassidy@calvertnet.k12.md.us">cassidy@calvertnet.k12.md.us</a>
Caroline	Robert Jester	410-479-3259 x 115	410-479-2741	<a href="mailto:robert_jester@mail.cl.k12.md.us">robert_jester@mail.cl.k12.md.us</a>
Carroll	Mike Hardesty	410-751-3229	410-751-3239	<a href="mailto:mjharde@carrollk12.org">mjharde@carrollk12.org</a>
Cecil	Bob Markwardt	410-996-5414	410-996-5409	<a href="mailto:bmarkwardt@ccps.org">bmarkwardt@ccps.org</a>
Charles	Rich Wesolowski	301-934-7262	301-392-7520	<a href="mailto:rwesolowski@ccboe.com">rwesolowski@ccboe.com</a>
Dorchester	William Fleming	410-228-4747 x 1044	410-221-5236	<a href="mailto:flemingb@dcpsmd.org">flemingb@dcpsmd.org</a>
Frederick	Fred Punturiero	301-644-5375	301-644-5382	<a href="mailto:Fred.Punturiero@fcps.org">Fred.Punturiero@fcps.org</a>
Garrett	Ed Wildesen	301-334-8908	301-334-7642	<a href="mailto:ewildesen@ga.k12.md.us">ewildesen@ga.k12.md.us</a>
Harford	Charlie Taibi	410-638-4092	410-638-4321	<a href="mailto:charlie.taibi@hcps.org">charlie.taibi@hcps.org</a>
Howard	David Ramsay	410-313-6821	410-313-6731	<a href="mailto:david_ramsay@hcpss.org">david_ramsay@hcpss.org</a>

Policy Directive-SSA-CW #18-8  
Appendix 3

Kent	Margaret Kalmanowicz	410-778-7127	410-778-1705	mekalmanowicz@kent.k12.md.us	
Montgomery	Todd Watkins	301-840-8130	301-840-4516	Todd_Watkins@mcpsmd.org	
Prince George's	Thomas Bishop	301-952-6572	301-952-6929	<a href="mailto:thomas.bishop@pgcps.org">thomas.bishop@pgcps.org</a>	
Queen Anne's	Thad Kalmanowicz	800-336-7775 Ext.141	410-758-8200	Thad.kalmanowicz@qacps.org	
St. Mary's	Jeffrey Thompson	301-475-4256 Ext. 132	301-475-4239	<a href="mailto:jkthompson@smcps.org">jkthompson@smcps.org</a>	
Somerset	Paul Jefferson	410-621-6227	410-651-2931	pjefferson@somerset.k12.md.us	
Talbot	Fred McCracken	410-822-9535	410-820-4260	fmccracken@tcps.k12.md.us	
Washington	Barbara Scotto	301-766-2904	301-766-2911	<a href="mailto:scottbar@wcboe.k12.md.us">scottbar@wcboe.k12.md.us</a>	
Wicomico	David Reeve	410-677-4558	410-677-5820	<a href="mailto:dreeve@wcboe.org">dreeve@wcboe.org</a>	
Worcester	Steve Price	410-632-5013	410-632-0745	HSPrice@mail.worcester.k12.md.us	
MSDE	Leon Langley Pat Askew	410-767-0209 410-767-0217	410-333-2232	<a href="mailto:llangley@msde.state.md.us">llangley@msde.state.md.us</a> <a href="mailto:paskew@msde.state.md.us">paskew@msde.state.md.us</a>	